

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND**

Hach, Sokha,)	
)	
Debtor,)	CHAPTER 7
)	CASE NO. 15-11268
)	
)	

**DEBTOR’S RESPONSE IN OPPOSITION TO CREDITOR WELLS FARGO BANK,
N.A.’s MOTION FOR RELIEF FROM STAY**

NOW COMES Sokha Hach (hereinafter “Debtor”), by his counsel, and moves this Honorable Court to deny Deutsche Bank National Trust Company, as Trustee for The Registered Holders of Morgan Stanly ABS Capital I Inc. Trust 2007-NC3 Mortgage Pass-Through Certificates Series 2007-NC3 Motion for Relief from the Automatic Stay. In support thereof, the Debtor states:

1. On August 5, 2015, Deutsche Bank National Trust Company, as Trustee for The Registered Holders of Morgan Stanly ABS Capital I Inc. Trust 2007-NC3 Mortgage Pass-Through Certificates Series 2007-NC3 filed a Motion for Relief from the Automatic Stay in this case, citing inter alia that the property at issue had previously sold at a foreclosure auction;
2. The foreclosure is the subject of a federal lawsuit that is presently under appeal with the United States Court of Appeals for the First Circuit; *Neary, et al. v. Federal National Mortgage Assoc., et al.* No. 14-1510 (the “*Neary Appeal*”);
3. The *Neary Appeal* is a related Appeal to the consolidated *Ouch/Hanna Appeals* also pending before the First Circuit as No. 13-1209 & 13-1651, respectively.
4. Due to the substantial similarities regarding the issues as presented in the Appeals, the briefing in the *Neary Appeal* was stayed pending a decision in the *Ouch/Hanna Appeals*.

5. Oral arguments in the *Ouch/Hanna* Appeals were heard over one year ago, on June 5, 2014, and the matters are still under advisement with the First Circuit Court of Appeals;

6. The lawsuits raise the question of the legality of the foreclosures at issue, including Debtor's, and an Appellate Court ruling in the Appellants' favor in *Ouch/Hanna*, would set precedent for a ruling in favor of the Appellants', including Debtor, in the *Neary* Appeal. As such, allowing relief from stay would cause irreparable harm to the Debtor; and

7. Although the Debtor cannot represent why a decision, more than a year after oral arguments, has not occurred in the *Ouch/Hanna* Appeal, the Debtor suggests that if this argument did not have merit that the Appeals Court would have either decided the case on the pleadings and/or had made a decision soon after oral arguments.

8. Additionally, the denial of Motion's for Relief on the same grounds as presented herein are not without recent precedent. (See: *In Re: Pin, Malen*, U.S. Bankruptcy Court, Dist. Mass. No. 15-41010 (July 23, 2015) (Denying Creditor's Motion for Relief)); (See Also: *In Re: Kol, Sophal*, U.S. Bankruptcy Court, Dist. Mass. No. 15-12061 (August 12, 2015) (Hearing held on Creditor's Motion for Relief and continued generally pending Court of Appeals decision)).

WHEREFORE the Debtor prays that this Honorable Court deny the herein noted Motion for Relief from the Automatic Stay, deny any request for *in rem* relief, and maintain the Automatic Stay until such time as the United States Court of Appeals for the First Circuit has issued its decision in *Ouch/Hanna*.

Dated: August 21, 2015

Respectfully Submitted,

/s/ Todd S. Dion
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CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2015, a copy of the foregoing, filed through the CM/ECF System, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies shall be served by first class mail postage prepaid on the parties listed on the NEF as not receiving electronic notice, including the following creditors of debtor;

National Grid
Po Box 11739
Newark, NJ 07101

Deutsche Bank NT Co.
7575 Irvine Center Drive
Irvine, CA 92618

Verizon
500 Technology Dr. Suite 550
Weldon Spring, MO 63304

/s/ Todd S. Dion
Todd S. Dion, Esq.